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10/675,025	09/30/2003	Michael C. Koss	MSI-238USC1	4820
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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LIM, STEVEN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,025	Applicant(s) KOSS, MICHAEL C.
	Examiner STEVEN LIM	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 January 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10, 12, 13, 15-19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10, 12-13, 15-19, and 21-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10-18, 20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimoto et al. (US 6115611).
3. Regarding Claims 1 and 10, Kimoto et al. discloses a mobile hyperlink browser that communicates with a remote server (Col. 33, Lines 16-26) by sending an HTTP request that includes geographical coordinates of a mobile client to the server (Col. 56, Lines 53-60), receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), the geographically-dependent content including a valid zone indicator indicating an area in which the geographically-dependent content is valid (mapped area zoned from total area shows that a zone is valid for selection, map1.gif, Fig. 67), wherein the area is customized in size according to the geographically dependent content (Col. 38, Line 62-Col. 39, Line 4), comparing a current location of the mobile client to the valid zone

(terminal side proxy checks demanded data from mobile phone against accumulated map data, Col. 60, Lines 7-13), determining that the geographically-dependent content is no longer valid based on the comparison (Col. 60, Lines 23-29), sending a new HTTP request that includes new geographical coordinates of the mobile client (Col. 60, Lines 23-29) and invalidating the geographically-dependent content when the mobile computer leaves an area (old map does not have new location and new map is retrieved and displayed in place of old map, Col. 60, Lines 30-50).

4. Regarding Claim 2, Kimoto et al. further discloses receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), the geographically-dependent content including a valid zone indicator indicating an area in which the geographically-dependent content is valid (mapped area zoned from total area, map1.gif, Fig. 67).

5. Regarding Claim 3, Kimoto et al. further discloses accepting a designation of hyperlinked content from a user (Col. 55, Lines 18-31), and obtaining the geographical coordinates of the mobile client from a global positioning receiver associated with the mobile client (Col. 59, Line 60- Col. 60, Line 6).

6. Regarding Claim 4, Kimoto et al. discloses accepting a designation of hyperlinked content from a user (Col. 55, Lines 18-31), and obtaining the geographical coordinates of the mobile client from a global positioning receiver associated with the mobile client (Col. 59, Line 60- Col. 60, Line 6), and in response sending an HTTP request to a hyperlinked content network over a wireless transmission medium where

the HTTP request includes geographical coordinates of a mobile client (Col. 56, Lines 53-60).

7. Regarding Claim 5, Kimoto et al. further discloses the geographical coordinates are included in an HTTP request header along in the HTTP request (Col. 56, Lines 53-60).

8. Regarding Claim 6, Kimoto et al. further discloses receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37).

9. Regarding Claim 7, Kimoto et al. further discloses receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), wherein a valid zone specification is returned to the hyperlink browser program in conjunction with the geographically dependent content, the valid zone specification indicating a geographical zone within which the geographically-dependent content is considered valid (mapped area zoned from total area of all maps, map1.gif, Fig. 67).

10. Regarding Claim 8, Kimoto et al. further discloses receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), wherein a valid zone specification is returned to the hyperlink browser program in conjunction with the geographically dependent content, the valid zone specification indicating a geographical zone within which the geographically-dependent content is considered valid (mapped area zoned from total area of all maps, map1.gif, Fig. 67) and sending a new HTTP request when the mobile

computer leaves the indicated geographical zone (terminal side proxy checks demanded data from mobile phone against accumulated map data for validity and if no map data is found HTTP request is sent to the information center for new map retrieval, Col. 60, Lines 7-13, Lines 23-37).

11. Regarding Claim 12, Kimoto et al. further discloses receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), wherein a valid zone specification is returned to the hyperlink browser program in conjunction with the geographically dependent content, the valid zone specification indicating a geographical zone within which the geographically-dependent content is considered valid (mapped area zoned from total area of all maps, map1.gif, Fig. 67) and sending a new HTTP request when the mobile computer leaves the indicated geographical zone (terminal side proxy checks demanded data from mobile phone against accumulated map data for validity and if no map data is found HTTP request is sent to the information center for new map retrieval, Col. 60, Lines 7-13, Lines 23-37).

12. Regarding Claim 13, Kimoto et al. discloses a computer (mobile terminal) including a mobile hyperlink browser that communicates with a remote server wirelessly (Col. 33, Lines 16-26, Lines 42-55) that sends HTTP requests that include multiple geographical coordinates of a mobile client to the server (Col. 56, Lines 53-60), and obtaining the geographical coordinates of the mobile client from a global positioning receiver associated with the mobile client (Col. 59, Line 60- Col. 60, Line 6), receiving from a server, geographically dependent content that is customized to the geographical

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coordinates in the HTTP request (Col. 60, Lines 30-37), the geographically-dependent content including a valid zone indicator indicating an area in which the geographically-dependent content is valid (mapped area zoned from total area shows that a zone is valid for selection, map1.gif, Fig. 67), wherein the area is customized in size according to the geographically dependent content (Col. 38, Line 62-Col. 39, Line 4) and invalidating the geographically-dependent content when the mobile computer leaves an area (old map does not have new location and new map is retrieved and displayed in place of old map, Col. 60, Lines 30-50).

13. Regarding Claim 15, Kimoto et al. further discloses receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), wherein a valid zone specification is returned to the hyperlink browser program in conjunction with the geographically dependent content, the valid zone specification indicating a geographical zone within which the geographically-dependent content is considered valid (mapped area zoned from total area of all maps, map1.gif, Fig. 67) and sending a new HTTP request when the mobile computer leaves the indicated geographical zone (terminal side proxy checks demanded data from mobile phone against accumulated map data for validity and if no map data is found HTTP request is sent to the information center for new map retrieval, Col. 60, Lines 7-13, Lines 23-37).

14. Regarding Claims 16 and 17, Kimoto et al. discloses a computer (mobile terminals, Fig. 1) including a mobile hyperlink browser that communicates with a remote server wirelessly (Col. 33, Lines 16-26, Lines 42-55) that sends HTTP requests that

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include multiple geographical coordinates of a mobile client to the server (Col. 56, Lines 53-60) according to a designation of hyperlinked content from a user (Col. 55, Lines 18-31), obtaining the geographical coordinates of the mobile client from a global positioning receiver associated with the mobile client (Col. 59, Line 60- Col. 60, Line 6), and receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), and rendering or displaying the received information (Col. 60, Lines 46-50), receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), the geographically-dependent content including a valid zone indicator indicating an area in which the geographically-dependent content is valid (mapped area zoned from total area shows that a zone is valid for selection, map1.gif, Fig. 67), wherein the area is customized in size according to the geographically dependent content (Col. 38, Line 62-Col. 39, Line 4).

15. Regarding Claim 18, Kimoto et al. further discloses the geographical coordinates are included in an HTTP request header along in the HTTP request (Col. 56, Lines 53-60).

16. Regarding Claim 22, Kimoto et al. further discloses a valid zone specification is returned to the hyperlink browser system in conjunction with the geographically dependent content, the valid zone specification indicating a geographical zone within which the geographically-dependent content is considered valid (mapped area zoned from total area of all maps, map1.gif, Fig. 67) and sending a new HTTP request when the mobile computer leaves the indicated geographical zone (terminal side proxy

checks demanded data from mobile phone against accumulated map data for validity and if no map data is found HTTP request is sent to the information center for new map retrieval, Col. 60, Lines 7-13, Lines 23-37).

Claim Rejections - 35 USC § 103

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto et al. (US 6115611) in view of Izawa (US 5471205).

19. Regarding Claim 9, Kimoto et al. further discloses receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), wherein a valid zone specification is returned to the hyperlink browser program in conjunction with the geographically dependent content, the valid zone specification indicating a geographical zone within which the geographically-dependent content is considered valid (mapped area zoned from total area of all maps, map1.gif, Fig. 67) and invalidating the geographically-dependent content when the mobile computer leaves an area (old map does not have new location

and new map is retrieved and displayed in place of old map, Col. 60, Lines 30-50), however Kimoto et al. fails to disclose the area is a valid radius.

In an analogous art, Izawa discloses a valid radius for maps (Col. 2, Lines 47-62), which enables the display to forgo displaying excessive map information (Col. 2, Lines 62-63).

It would have been obvious to one having ordinary skill in the art at the time of invention was made to create map zones with valid radii in order to forgo displaying excessive map information (Col. 2, Lines 62-63).

20. Regarding Claim 21, Kimoto et al. further discloses a valid zone specification is returned to the hyperlink browser program in conjunction with the geographically dependent content, the valid zone specification indicating a geographical zone within which the geographically-dependent content is considered valid (mapped area zoned from total area of all maps, map1.gif, Fig. 67), however Kimoto et al. fails to disclose the area is a valid radius.

In an analogous art, Izawa discloses a valid radius for maps (Col. 2, Lines 47-62), which enables the display to forgo displaying excessive map information (Col. 2, Lines 62-63).

It would have been obvious to one having ordinary skill in the art at the time of invention was made to create map zones with valid radii in order to forgo displaying excessive map information (Col. 2, Lines 62-63).

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21. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto et al. (US 6115611) in view of Schreder (US 5504482).

22. Regarding Claim 19, Kimoto et al. discloses the server returning content, however Kimoto et al. fails to disclose returning advertising supplements, and where one server is configured to select advertising supplements returned to a particular mobile client based on their location.

In an analogous art, Schreder et al. discloses sending a navigational unit advertisements based on location (Col. 13, Lines 28-36), which enables the user to be informed of pertinent information along the route (Col. 13, Lines 23-28).

It would have been obvious to one having ordinary skill in the art at the time of invention was made to return advertisement information based on location in order to pass to the user pertinent information along a route (Col. 13, Lines 23-28).

23. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto et al. (US 6115611) in view of DeLorme et al. (US 5848373).

24. Regarding Claim 23, Kimoto et al. further discloses returning geographically dependent content, however Kimoto et al. fails to disclose the content comprises a listing of mobile users in proximity to requesting mobile clients.

In an analogous art, DeLorme et al. discloses a database with user locations that can be displayed (Col. 12, Lines 40-62), which enables pertinent information to be displayed.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to return a list of mobile users that are in vicinity in order to show the location of others who may be pertinent to the requesting mobile client.

25. Regarding Claim 24, Kimoto et al. further discloses the server maintaining a database of geographically dependent content, however Kimoto et al. fails to disclose the content comprises a listing of mobile users in proximity to requesting mobile clients.

In an analogous art, DeLorme et al. discloses a database with user locations that can be displayed (Col. 12, Lines 40-62), which enables pertinent information to be displayed.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to return a list of mobile users that are in vicinity in order to show the location of others who may be pertinent to the requesting mobile client.

Response to Arguments

26. Applicant's arguments with respect to claims 1-10, 12-13, 15-19, and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Lim whose telephone number is (571) 270-1210. The examiner can normally be reached on Mon-Thurs 9:00am-4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. L./
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617